

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

JEFFREY JOHNSON, JR.

Case No. 15-13936-JDL
(Chapter 13)

Debtor

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND
REQUEST FOR ABANDONMENT OF PROPERTY AND REQUEST FOR WAIVER OF
14 DAY STAY PURSUANT TO LR 4001-1(B) AND BRIEF IN SUPPORT AND NOTICE
AND OPPORTUNITY FOR HEARING**

Comes Now, Tinker Federal Credit Union (“TFCU”), a creditor in the above-styled bankruptcy proceeding, and moves this Court for an Order Modifying Stay pursuant to 11 U.S.C. §362 and Abandoning Property pursuant to 11 U.S.C. §554. In support of its motion, TFCU shows the Court as follows:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with the respect to the Debtor(s) on October 13, 2015.

2. This Court has jurisdiction to hear this matter and enter a final order pursuant to 28 U.S.C. §§ 157 and 1334; and 11 U.S.C. § 362. The instant Motion constitutes a core proceeding and is a contested matter pursuant to Fed. R. Bankr. P. 4001(a) and 9014.

3. TFCU is a secured creditor of the Debtor(s).

4. TFCU is the owner and holder of a certain Promissory Note(s) and Security Agreement(s) executed by the Debtor(s) covering the following described personal property, to-wit:

- 2013 Dodge Durango; VIN#1C4RDHAG4DC535357 (the “Property”).

TFCU’s security interest in the Property has been properly perfected. A copy of the lien entry is attached hereto.

5. The total amount due on the Promissory Note(s) and Security Agreement(s) as of

December 14, 2015 is \$36,363.55, plus accrued interest and interest accruing thereafter until paid in full, plus attorney's fees and costs.

6. The reasonable value of the Property is less than the debt owed against it.

7. The Debtor(s) have not provided TFCU with adequate protection.

8. The Debtor(s) are in default under the terms of their contract with TFCU.

9. The Property is burdensome to the estate, and the automatic stay should be lifted in order that TFCU may proceed to foreclose its interest in the Property.

10. Cause exists for relief from the automatic stay for the following reasons:

(a). TFCU's interest in the Property is not being adequately protected pursuant to 11 U.S.C. §362 (d) (1) as the Property is a depreciating asset, Debtor(s) have no equity in the property and Debtor(s) are in default under their contracts with TFCU.

(b). Pursuant to 11 U.S.C. §362 (d) (2) Debtor(s) have no equity in the Property and the Property is not necessary to an effective reorganization as Debtor's plan provided for the surrender of the Property.

11. TFCU is entitled to an order deeming the Property abandoned by the Trustee as an asset of the bankruptcy estate pursuant to 11 U.S.C. § 554 because it is burdensome to the estate or of insignificant benefit to the estate.

12. As Debtor(s) are in default under their obligations to TFCU and the Property is in declining value, TFCU requests that this order not be stayed.

13. **NOTICE OF OPPORTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the

Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

WHEREAS, Tinker Federal Credit Union moves the Court for an order modifying the automatic stay as to the Debtor(s) and the above described Property for all purposes allowed under the applicable Promissory Note(s) and Security Agreement(s) executed by the Debtor(s) and applicable law, including but not limited to allowing TFCU to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property, order the abandonment of the Property from the bankruptcy estate, order that the stay of this order provided in Bankruptcy Rule 4001 (a)(3) shall not apply, and grant such additional relief as this Court deems equitable.

By: s/Joel Hall

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405.600-9550 Facsimile
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Attorneys for Tinker Federal Credit Union

CERTIFICATE OF MAILING

I hereby certify that on December 15, 2015, I served the attached document by first class U.S. mail, postage prepaid on the following who are not registered participants of the ECF System:

See attached matrix

s/Joel Hall

Joel C. Hall

OKLAHOMA TAX COMMISSION

LIEN HOLDERS RELEASE FORMS

131355569A6957

VIN: 1C4RDHAG4DC535357 VEHYR: 2013 MAKE: DODG MODEL: DUR BODY: UT
AGNT #: 5569 LIEN DATE: 05/15/2013 LIEN TIME: 10:00
LIEN DEBTOR: JOHNSON JR,JEFFREY

6208 WESTPARK DR
OKLAHOMA CITY OK 73142

LIEN HOLDER: TINKER FEDERAL CREDIT UNION

PO BOX 45750
TINKER AFB OK 73145

REF#: 131355569A6957

TO: OKLAHOMA TAX COMMISSION
MOTOR VEHICLE DIVISION
P.O. BOX 269061
OKLAHOMA CITY OK 73126

TO WHOM IT MAY CONCERN: WE HAVE RELEASED OUR SECURITY INTEREST IN THE MOTOR
VEHICLE DESCRIBED ABOVE, EFFECTIVE ON THE DATE WHICH APPEARS BY MY SIGNATURE.
PLEASE REVISE YOUR RECORDS TO REFLECT THIS RELEASE.
SIGNATURE OF REPRESENTATIVE OF SECURED PARTY

X _____

DATE _____

COPY 1

Label Matrix for local noticing
1087-5
Case 15-13936
Western District of Oklahoma
Oklahoma City
Mon Dec 14 11:03:32 CST 2015
ATT
1801 VALLEY VIEW LN
DALLAS TX 75234-8906

Planet Home Lending, LLC
c/o Lyle R. Nelson
Elias, Books, Brown & Nelson, P.C.
Two Leadership Square, Ste. 1300
211 N. Robinson Ave.
Oklahoma City, OK 73102-7149
Ars
1801 Nw 66th Ave
Fort Lauderdale FL 33313-4571

~~USBC Western District of Oklahoma
215 Dean A. McGee
Oklahoma City, OK 73102-3426~~
Ars Account Resolution
1643 Harrison Pkwy Ste 1
Sunrise FL 33323-2857

CITY OF OKLAHOMA CITY
420 WEST MAIN STREET
OKLAHOMA CITY OK 73102-4437

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City UT 84130-0285

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Credit Collections Inc/AMR
Po Box 60607
Oklahoma City OK 73146-0607

Credit Systems Intl In
P O Box 1088
Arlington TX 76004-1088

Dept Of Education/nel
121 S 13th St
Lincoln NE 68508-1904

Elias Brooks Brown and Nelson PC
Two Leadership Square
211 North Robinson Suite 1300
Oklahoma City OK 73102-7222

Enhanced Recovery Corp
Attention: Client Services
8014 Bayberry Rd
Jacksonville FL 32256-7412

Green Planet Servicing
321 Research Pkwy Ste 30
Meriden CT 06450-8342

IC System
Attn: Bankruptcy
444 Highway 96 East, Po Box 64378
St. Paul MN 55164-0378

(p)CREDITORS BANKRUPTCY SERVICE
PO BOX 800849
DALLAS TX 75380-0849

OKLAHOMA NATURAL GAS
PO BOX 21019
TULSA OK 74121-1019

Oklahoma Child Support Services
P.O. Box 248822
Oklahoma City OK 73124-8822

Planet Home Lending, LLC
321 Research Parkway Ste 303
Meriden CT 06450-8342

The City of Oklahoma City
Development Services Dept
Charles Locke
420 W Main Ste 1050
Oklahoma City OK 73102-4436

Tinker Fcu
Po Box 45750
Tinker AFB OK 73145-0750

U.S. Department of Education C/O Nelnet
3015 South Parker Road, Suite 400
AURORA, CO 80014-2904

~~U.S. Trustee
United States Trustee
215 Dean A. McGee Ave., 4th Floor
Oklahoma City, OK 73102-3444~~

USAA Federal Savings Bank
10750 Mcdermott Fwy
San Antonio TX 78288-1600

Westlake Homeowners Association Inc
PO Box 721064
Oklahoma City OK 73172-1064

Jeffrey Johnson Jr.
6208 Westpark Drive
Oklahoma City, OK 73142-4414

~~John T. Hardeman
PO Box 1948
Oklahoma City, OK 73101-1948~~

~~Tearsa Storms Olson
Storms Law Office
2400 NW 23rd St., Ste. 102
Oklahoma City, OK 73107-2438~~

~~The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).~~

Military Star	End of Label Matrix	
PO Box 650410	Mailable recipients	28
Dallas TX 75265-0410	Bypassed recipients	0
	Total	28